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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

FILE:

Office: MIAMI

Date:

JUL 19 2004

IN RE:

Obligor:
Bonded Alien:

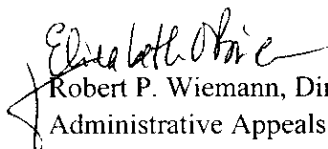
IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

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Identifying data deleted to
prevent identity unwarranted
invasion of personal privacy

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Miami, Florida, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on July 19, 2002, the obligor posted a \$500.00 bond conditioned for her voluntary departure. An order of the immigration judge (IJ) dated July 12, 2002, was issued granting the alien voluntary departure in lieu of removal on or before September 10, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 20, 2003, the BIA dismissed the appeal. On February 26, 2004, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the bonded alien's spouse has filed an Application for Asylum, which is currently pending. Counsel states that the alien did not receive a Notice to Deliver Alien.

Bond proceedings are separate and distinct from asylum proceedings and therefore have no bearing in this matter. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement (ICE) to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

ORDER: The appeal is dismissed.